



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/031,126	08/19/2003	Charles M. Link II	36968/190182	2641
38823 7590 02/07/2008 THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP/ AT&T Delaware Intellectual Property, Inc. 600 GALLERIA PARKWAY, S.E. SUITE 1500 ATLANTA, GA 30339-5994			EXAMINER TRAN, TUAN A	
			ART UNIT 2618	PAPER NUMBER
			MAIL DATE 02/07/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/031,126	Applicant(s) LINK II ET AL.	
	Examiner Tuan A. Tran	Art Unit 2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 32-97 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 32-41, 43, 44, 46-49, 52-58, 60-66, 72-82 and 86-94 is/are rejected.
- 7) ☒ Claim(s) 42, 45, 50, 51, 59, 67-71, 83-85 and 95-97 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 32-35, 39-40, 43, 48-49, 52-55, 60-61, 65, 72-77, 81, 86-89 and 93 are rejected under 35 U.S.C. 102(e) as being anticipated by Yamagishi (6,125,273).

Regarding claim 32, Yamagishi discloses a unit that is locked against use for communication until the unit is unlocked, comprising: memory for storing an unlock code (one-time lock code) with the unlock code being generated from an algorithm using a multi-use secret code (master lock code) (the master lock code being used for various purposes such as gaining access to service program or resetting the one-time lock code or generating the one-time lock code) for a particular network and an identifier of the unit (ESN); a control for receipt of an input code (service security code); and a processor being functionally connected to the control and to the memory to effect a comparison of the input code and the unlock code, and to effect an unlocking of the unit if the comparison results in a finding the input code is substantially equal to the unlock code (See figs. 1-3 and col. 4 line 1 to col. 6 line 38).

Regarding claims 33-34 and 40, Yamagishi discloses as cited in claim 32.

Yamagishi further discloses the unit comprises a wireless handset and the identifier comprises an electronic serial number of the unit, wherein the electronic serial number is unique to the unit (See col.5 lines 13-29).

Regarding claim 35, Yamagishi discloses as cited in claim 32. Yamagishi further discloses the control is operative to receive the input code and a system identification number from a selected network, and the processor is operative, after the unlocking of the unit, to effect the activation of the unit on the selected network based on the system identification number (See fig. 3 and col. 4 lines 1-31 and col. 6 lines 6-27).

Regarding claim 39, Yamagishi discloses as cited in claim 32. Yamagishi further discloses the algorithm to generate the unlock code (i.e. master lock code) is run by a device (cellular service provider) other than the unit and is loaded by the device in the memory (See fig. 3 and col. 4 lines 1-43).

Claims 43, 48-49, 52-54, 60-61 and 65 are rejected for the same reasons as set forth in claims 32-35 and 40, as method.

Claims 55, 72-77, 81, 86-89 and 93 are rejected for the same reasons as set forth in claims 32-35 and 40, as apparatus.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 36-38, 41, 44, 46-47, 56-58, 62-64, 66, 78-80, 82, 90-92 and 94 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamagishi (6,125,273).

Regarding claims 36-38 and 41, Yamagishi discloses as cited in claim 32. However, Yamagishi does not explicitly mention that the unlock code is a subset of an output generated by cryptographic algorithm such as hash function or checksum function, or division, or cave algorithm, or MD5 algorithm. Since Yamagishi does suggest that the unlock code is a subset of an output generated by multiple mathematic algorithms (See col. 5 lines 20-28) and cryptographic algorithm such as hash function or checksum function, or division, or cave algorithm, or MD5 algorithm is known in the art as a mathematic algorithm; therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use such algorithms to generate the unlock code for the advantage of providing the designers a higher degree of freedom in selecting various mathematic algorithms to be used for accommodating their design intentions.

Claims 44, 46-47, 62-64 and 66 are rejected for the same reasons as set forth in claims 36-38 and 41, as method.

Claims 56-58, 78-80, 82, 90-92 and 94 are rejected for the same reasons as set forth in claims 36-38 and 41, as apparatus.

Allowable Subject Matter

3. Claims 42, 45, 50-51, 59, 67-71, 83-85 and 95-97 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claims 42, 45, 50-51, 59, 67-71, 83-85 and 95-97, Yamagishi discloses as cited in claims 41, 44, 49, 58, 66, 82 and 94. However, Yamagishi does not mention that the unlock code is related to a remainder of a division of the secret code by the identifier of the unit as specified in claims.

Response to Arguments

Applicant's arguments filed 11/13/2007 have been fully considered but they are not persuasive.

The applicant mainly argued through the applicant's response (See Remark) that Yamagishi fails to teach a multi-use secret code for a particular network. The examiner respectfully disagrees with the applicant. In this instant case, Yamagishi does teach a multi-use secret code for a particular network (i.e., master lock code) used to generate the unlock code, wherein the master lock code being used for various purposes ("multi-use") such as gaining access to service program or resetting the one-time lock code ("unlock code") or generating the one-time lock code ("unlock code") (See col. 4 lines 1-30, col. 5 lines 13-28, col. 7 lines 1-26). For that reason, the rejections are proper and maintained.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan A. Tran whose telephone number is (571) 272-7858. The examiner can normally be reached on Mon-Fri, 10:00AM-6:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Anderson can be reached on (571) 272-4177. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Application/Control Number:
10/031,126
Art Unit: 2618

Page 7

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Tuan Tran
AU 2618